



1 **SECTION 2997Lr.** 227.17 (1) (bm) of the statutes is amended to read:

2 227.17 (1) (bm) Send written notice of the hearing to the secretary of
3 administration on the same day that the notice is sent to the revisor legislative
4 reference bureau under par. (a).

5 **SECTION 2997ne.** 227.19 (2) of the statutes is amended to read:

6 227.19 (2) NOTIFICATION OF LEGISLATURE. An agency shall submit a notice to the
7 chief clerk of each house of the legislature when a proposed rule is in final draft form.
8 The notice shall be submitted in triplicate and shall be accompanied by a report in
9 the form specified under sub. (3). A notice received under this subsection on or after
10 September 1 of an even-numbered year shall be considered received on the first day
11 of the next regular session of the legislature. The presiding officer of each house of
12 the legislature shall, within 10 working days following the day on which the notice
13 and report are received, direct the appropriate chief clerk to refer them to one
14 standing committee. The agency shall submit to the revisor legislative reference
15 bureau for publication in the register a statement that a proposed rule has been
16 submitted to the chief clerk of each house of the legislature. Each chief clerk shall
17 enter a similar statement in the journal of his or her house.

18 **SECTION 2997nr.** 227.20 (1) of the statutes is amended to read:

19 227.20 (1) An agency shall file a certified copy of each rule it promulgates in
20 ~~the office of the revisor~~ with the legislative reference bureau. No rule is valid until
21 the certified copy has been filed. A certified copy shall be typed or duplicated on 8
22 1/2 by 11 inch paper, leaving sufficient room for ~~the revisor's~~ a stamp at the top of the
23 first page. Forms that are filed need not comply with the specifications of this
24 subsection.

25 **SECTION 2997pe.** 227.20 (2) of the statutes is amended to read:

1 227.20 (2) The ~~revisor~~ legislative reference bureau shall endorse the date and
2 the time of filing on each certified copy filed under sub. (1). The ~~revisor~~ bureau shall
3 keep a file of all certified copies filed under sub. (1).

4 **SECTION 2997pr.** 227.20 (3) (intro.) of the statutes is amended to read:

5 227.20 (3) (intro.) Filing a certified copy of a rule with the ~~revisor~~ legislative
6 reference bureau creates a presumption of all of the following:

7 **SECTION 2997re.** 227.21 (1) of the statutes is amended to read:

8 227.21 (1) All rules that agencies are directed by this chapter to file with the
9 ~~revisor~~ legislative reference bureau shall be published in the code and register as
10 required under s. 35.93.

11 **SECTION 2997rr.** 227.21 (2) (a) of the statutes is amended to read:

12 227.21 (2) (a) Except as provided in s. 601.41 (3) (b), to avoid unnecessary
13 expense an agency may, with the consent of the ~~revisor~~ legislative reference bureau
14 and the attorney general, adopt standards established by technical societies and
15 organizations of recognized national standing by incorporating the standards in its
16 rules by reference to the specific issue or issues of the publication in which they
17 appear, without reproducing the standards in full.

18 **SECTION 2997te.** 227.21 (2) (b) of the statutes is amended to read:

19 227.21 (2) (b) The attorney general shall consent to incorporation by reference
20 only in a rule of limited public interest and in a case where the incorporated
21 standards are readily available in published form or are available on optical disk or
22 in another electronic format. Each rule containing an incorporation by reference
23 shall state how the material incorporated may be obtained and, except as provided
24 in s. 601.41 (3) (b), that the standards are on file at the offices of the agency and the
25 ~~revisor~~ legislative reference bureau.

1 **SECTION 2997tr.** 227.21 (4) of the statutes is amended to read:

2 227.21 (4) Agency materials that are exempt from the requirements of this
3 chapter under s. 227.01 (13) may be published, either verbatim or in summary form,
4 if the promulgating agency and the ~~revisor~~ legislative reference bureau determine
5 that the public interest would be served by publication.

6 **SECTION 2997ve.** 227.22 (3) of the statutes is amended to read:

7 227.22 (3) The ~~revisor~~ legislative reference bureau may prescribe in the
8 manual prepared under s. 227.15 (7) the monthly date prior to which a rule must be
9 filed in order to be included in that month's issue of the register. The ~~revisor~~
10 legislative reference bureau shall compute the effective date of each rule submitted
11 for publication in the register and shall publish it in a note at the end of each section.
12 For the purpose of computing the effective date, the ~~revisor~~ legislative reference
13 bureau may presume that an issue of the register will be published during the month
14 in which it is designated for publication.

15 **SECTION 2997vr.** 227.24 (2) (c) of the statutes is amended to read:

16 227.24 (2) (c) Whenever the committee extends an emergency rule or part of
17 an emergency rule under par. (a), it shall file a statement of its action with the agency
18 promulgating the emergency rule and the ~~revisor of statutes~~ legislative reference
19 bureau. The statement shall identify the specific emergency rule or part of an
20 emergency rule to which it relates.

21 **SECTION 2997xe.** 227.24 (3) of the statutes is amended to read:

22 227.24 (3) **FILING.** An agency shall file a rule promulgated under sub. (1) as
23 provided in s. 227.20, shall mail a copy to the chief clerk of each house and to each
24 member of the legislature at the time that the rule is filed and shall take any other
25 step it considers feasible to make the rule known to persons who will be affected by

1 it. The revisor legislative reference bureau shall insert in the notice section of each
2 issue of the register a brief description of each rule under sub. (1) that is currently
3 in effect. Each copy, notice or description of a rule promulgated under sub. (1) (a)
4 shall be accompanied by a statement of the emergency finding by the agency or by
5 a statement that the rule is promulgated at the direction of the joint committee for
6 review of administrative rules under s. 227.26 (2) (b).

7 **SECTION 2997xr.** 227.25 of the statutes is amended to read:

8 **227.25 Revisor Legislative reference bureau.** (1) The revisor legislative
9 reference bureau shall, in cooperation with the legislative council staff under s.
10 227.15 (7), prepare a manual informing agencies about the form, style and placement
11 of rules in the code.

12 (2) The revisor legislative reference bureau shall, upon request, furnish an
13 agency with advice and assistance on the form and mechanics of rule drafting.

14 (3) An agency may request an advance commitment as to the title or numbering
15 of a proposed rule by submitting a copy of the proposed rule indicating the requested
16 title and numbering to the revisor legislative reference bureau prior to filing. As soon
17 as possible after that, the revisor legislative reference bureau shall either approve
18 the request or inform the agency of any change necessary to preserve uniformity in
19 the code.

20 (4) The revisor legislative reference bureau may, prior to publication, edit the
21 analysis of a proposed rule and any other material submitted for publication in the
22 code and register, may refer to the fact that those materials are on file or may
23 eliminate them and any reference to them in the code and register if he or she
24 believes they do not appreciably add to an understanding of the rule. The revisor

1 legislative reference bureau shall submit the edited version of any material to the
2 agency for its comments prior to publication.

3 **SECTION 2997ze.** 227.27 (2) of the statutes is amended to read:

4 227.27 (2) The code shall be prima facie evidence in all courts and proceedings
5 as provided by s. 889.01, but this does not preclude reference to or, in case of a
6 discrepancy, control over a rule filed with the ~~revisor~~ legislative reference bureau or
7 the secretary of state, and the certified copy of a rule shall also and in the same degree
8 be prima facie evidence in all courts and proceedings.

9 **SECTION 2998.** 227.43 (1) (by) of the statutes is amended to read:

10 227.43 (1) (by) Assign a hearing examiner to preside over any hearing of a
11 contested case that is required to be conducted by the department of ~~workforce~~
12 development children and families under ch. 48 or subch. III of ch. 49 and that is not
13 conducted by the secretary of ~~workforce development~~ children and families.

14 **SECTION 2999.** 227.43 (2) (d) of the statutes is amended to read:

15 227.43 (2) (d) The department of ~~workforce development~~ children and families
16 shall notify the division of hearings and appeals of every pending hearing to which
17 the administrator of the division is required to assign a hearing examiner under sub.
18 (1) (by) after the department of ~~workforce development~~ children and families is
19 notified that a hearing on the matter is required.

20 **SECTION 3000.** 227.43 (3) (d) of the statutes is amended to read:

21 227.43 (3) (d) The administrator of the division of hearings and appeals may
22 set the fees to be charged for any services rendered to the department of ~~workforce~~
23 development children and families by a hearing examiner under this section in a
24 manner consistent with a federally approved allocation methodology. The fees shall
25 cover the total cost of the services.

1 **SECTION 3001.** 227.43 (4) (d) of the statutes is amended to read:

2 227.43 (4) (d) The department of ~~workforce development~~ children and families
3 shall pay all costs of the services of a hearing examiner, including support services,
4 assigned under sub. (1) (by), according to the fees set under sub. (3) (d).

5 **SECTION 3002.** 227.54 of the statutes is amended to read:

6 **227.54 Stay of proceedings.** The institution of the proceeding for review
7 shall not stay enforcement of the agency decision. The reviewing court may order a
8 stay upon such terms as it deems proper, except as otherwise provided in ss. 49.17
9 (7), 196.43, ~~253.06-(7)~~, 448.02 (9), and 551.62.

10 **SECTION 3002m.** 229.68 (15) of the statutes is amended to read:

11 229.68 (15) Impose, by the adoption of a resolution, the taxes under subch. V
12 of ch. 77. A district may not levy any taxes that are not expressly authorized under
13 subch. V of ch. 77 and that do not receive the affirmative vote of a supermajority of
14 the district board. If a district adopts a resolution which imposes taxes, it shall
15 deliver a certified copy of the resolution to the secretary of revenue at least ~~30~~ 120
16 days before its effective date.

17 **SECTION 3002n.** 229.824 (15) of the statutes is amended to read:

18 229.824 (15) Impose, by the adoption of a resolution, the taxes under subch. V
19 of ch. 77, except that the taxes imposed by the resolution may not take effect until
20 the resolution is approved by a majority of the electors in the district's jurisdiction
21 voting on the resolution at a referendum, to be held at the first spring primary or
22 September primary following by at least 45 days the date of adoption of the
23 resolution. Two questions shall appear on the ballot. The first question shall be:
24 "Shall a sales tax and a use tax be imposed at the rate of 0.5% in County for
25 purposes related to football stadium facilities in the Professional Football

1 Stadium District?" The 2nd question shall be: "Shall excess revenues from the 0.5%
2 sales tax and use tax be permitted to be used for property tax relief purposes in ...
3 County?" Approval of the first question constitutes approval of the resolution of the
4 district board. Approval of the 2nd question is not effective unless the first question
5 is approved. The clerk of the district shall publish the notices required under s. 10.06
6 (4) (c), (f) and (i) for any referendum held under this subsection. Notwithstanding
7 s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is
8 valid even if given and published late as long as it is given and published prior to the
9 election as early as practicable. A district may not levy any taxes that are not
10 expressly authorized under subch. V of ch. 77. The district may not levy any taxes
11 until the professional football team and the governing body of the municipality in
12 which the football stadium facilities are located agree on how to fund the
13 maintenance of the football stadium facilities. The district may not levy any taxes
14 until the professional football team and the governing body of the municipality in
15 which the football stadium facilities are located agree on how to distribute the
16 proceeds, if any, from the sale of naming rights related to the football stadium
17 facilities. If a district board adopts a resolution that imposes taxes and the resolution
18 is approved by the electors, the district shall deliver a certified copy of the resolution
19 to the secretary of revenue at least ~~30~~ 120 days before its effective date. If a district
20 board adopts a resolution that imposes taxes and the resolution is not approved by
21 the electors, the district is dissolved.

22 **SECTION 3004b.** 230.03 (3) of the statutes is amended to read:

23 230.03 (3) "Agency" means any board, commission, committee, council, or
24 department in state government or a unit thereof created by the constitution or
25 statutes if such board, commission, committee, council, department, unit, or the

1 head thereof, is authorized to appoint subordinate staff by the constitution or
2 statute, except a legislative or judicial board, commission, committee, council,
3 department, or unit thereof or an authority created under subch. II of ch. 114 or
4 subch. III of ch. 149 or under ch. 231, 232, 233, 234, 235, ~~or 237, or 279~~. "Agency" does
5 not mean any local unit of government or body within one or more local units of
6 government that is created by law or by action of one or more local units of
7 government.

8 **SECTION 3006.** 230.08 (2) (e) 1. of the statutes is amended to read:

9 230.08 (2) (e) 1. Administration — ~~13~~ 14.

10 **SECTION 3007.** 230.08 (2) (e) 2m. of the statutes is created to read:

11 230.08 (2) (e) 2m. Children and families — 5.

12 **SECTION 3008.** 230.08 (2) (e) 6. of the statutes is amended to read:

13 230.08 (2) (e) 6. Workforce development — ~~7~~ 6.

14 *Delete extra line*
15 **SECTION 3010.** 230.08 (2) (L) 6. of the statutes is repealed.

16 **SECTION 3011.** 230.08 (2) (of) of the statutes is repealed.

17 **SECTION 3012.** 230.08 (2) (pd) of the statutes is amended to read:

18 230.08 (2) (pd) The chairperson of the parole earned release review
19 commission.

20 **SECTION 3013.** 230.08 (2) (tv) of the statutes is amended to read:

21 230.08 (2) (tv) The director of the office of urban development in the
22 department of ~~health and family services~~ children and families, appointed under s.
23 48.48 (16m).

24 **SECTION 3013m.** 230.08 (2) (wh) of the statutes is created to read:

1 230.08 (2) (wh) The judicial council attorney appointed under s. 758.13 (3) (g)

2 2.

3 **SECTION 3014.** 230.08 (2) (yc) of the statutes is created to read:

4 230.08 (2) (yc) Two persons employed by the department of commerce engaged
5 in advertising, marketing, and promotional activities within the United States for
6 economic development of, and business recruitment to, this state.

7 **SECTION 3016.** 230.13 (3) (a) of the statutes is amended to read:

8 230.13 (3) (a) The director and the administrator shall provide to the
9 department of ~~workforce development~~ children and families or a county child
10 support agency under s. 59.53 (5) information requested under s. 49.22 (2m) that
11 would otherwise be closed to the public under this section. Information provided
12 under this paragraph may only include an individual's name and address, an
13 individual's employer and financial information related to an individual.

14 **SECTION 3017.** 230.147 (1) of the statutes is amended to read:

15 230.147 (1) Each appointing authority of an agency with more than 100
16 authorized permanent full-time equivalent positions shall prepare and implement
17 a plan of action to employ persons who, at the time determined under sub. (4), receive
18 aid under s. 49.19, or benefits under s. 49.147 (3) to (5), with the goal of making the
19 ratio of those persons occupying permanent positions in the agency to the total
20 number of persons occupying permanent positions in the agency equal to the ratio
21 of the average case load receiving aid under s. 49.19, or benefits under s. 49.147 (3)
22 to (5), in this state in the previous fiscal year to the average number of persons in the
23 state civilian labor force in the preceding fiscal year, as determined by the
24 department of ~~workforce development~~ children and families.

25 **SECTION 3018.** 230.147 (2) of the statutes is amended to read:

1 230.147 (2) Each appointing authority of an agency with 100 or fewer
2 authorized permanent full-time equivalent positions is encouraged to employ
3 persons who, at the time determined under sub. (4), receive aid under s. 49.19, or
4 benefits under s. 49.147 (3) to (5), to attempt to make the ratio of those persons
5 occupying permanent positions in the agency to the total number of persons
6 occupying permanent positions in the agency equal to the ratio of the average case
7 load receiving aid under s. 49.19, or benefits under s. 49.147 (3) to (5) in this state
8 in the previous fiscal year to the average number of persons in the state civilian labor
9 force in the preceding fiscal year, as determined by the department of workforce
10 development children and families.

11 **SECTION 3023a.** 233.02 (1) (a) of the statutes is amended to read:

12 233.02 (1) (a) Three members nominated by the governor, and with the advice
13 and consent of the senate appointed, for ~~3-year~~ 5-year terms.

14 **SECTION 3023b.** 233.02 (1) (ag) of the statutes is created to read:

15 233.02 (1) (ag) Three members nominated by the board of directors and
16 appointed by the governor, with the advice and consent of the senate, for 5-year
17 terms.

18 **SECTION 3023c.** 233.02 (1) (am) of the statutes is amended to read:

19 233.02 (1) (am) Each cochairperson of the joint committee on finance or a
20 member of the ~~committee~~ legislature designated by that cochairperson.

21 **SECTION 3023d.** 233.02 (8) of the statutes is amended to read:

22 233.02 (8) The members of the board of directors shall annually elect a
23 chairperson and may elect other officers as they consider appropriate. ~~Six~~ Eight
24 voting members of the board of directors constitute a quorum for the purpose of
25 conducting the business and exercising the powers of the authority, notwithstanding

1 the existence of any vacancy. The members of the board of directors specified under
2 sub. (1) (c) and (g) may not be the chairperson of the board of directors for purposes
3 of 1995 Wisconsin Act 27, section 9159 (2). The board of directors may take action
4 upon a vote of a majority of the members present, unless the bylaws of the authority
5 require a larger number.

6 **SECTION 3023e.** 233.03 (2) of the statutes is amended to read:

7 233.03 (2) Sue and be sued; have a seal and alter the seal at pleasure; have
8 perpetual existence; maintain an office; negotiate and enter into leases; accept gifts
9 or grants, ~~but not including research grants in which the grant investigator is an~~
10 ~~employee of the board of regents;~~ accept bequests or loans; accept and comply with
11 any lawful conditions attached to federal financial assistance; and make and execute
12 other instruments necessary or convenient to the exercise of the powers of the
13 authority.

14 **SECTION 3023f.** 233.03 (11) of the statutes is amended to read:

15 233.03 (11) Issue bonds in accordance with ss. 233.20 to ~~233.27~~ 233.26.

16 **SECTION 3023g.** 233.04 (1) of the statutes is amended to read:

17 233.04 (1) By October 1, 1997, and annually thereafter, submit to the chief
18 clerk of each house of the legislature under s. 13.172 (2), the president of the board
19 of regents, the secretary of administration and the governor a report on the patient
20 care, education, research and community service activities and accomplishments of
21 the authority and an audited financial statement, certified by an independent
22 auditor, of the authority's operations. ~~The financial statement shall include a~~
23 ~~separate accounting of the use of the payment under sub. (7) (f).~~

24 **SECTION 3023h.** 233.04 (3b) (a) 1. of the statutes is amended to read:

1 233.04 **(3b)** (a) 1. Delivering ~~comprehensive, high-quality~~ health care to
2 patients using the hospitals and to those seeking care from its programs, including
3 a commitment to provide such care for the medically indigent.

4 **SECTION 3023i.** 233.04 (7) (f) of the statutes is repealed.

5 **SECTION 3023j.** 233.04 (8) of the statutes is repealed.

6 **SECTION 3023k.** 233.04 (10) of the statutes is repealed.

7 **SECTION 3023L.** 233.05 (3) of the statutes is repealed.

8 **SECTION 3023m.** 233.10 (2) (intro.) of the statutes is amended to read:

9 233.10 **(2)** (intro.) Subject to subs. ~~(3), (3m), (3r) and (3t)~~ and ch. 40 and the duty
10 to engage in collective bargaining with employees in a collective bargaining unit for
11 which a representative is recognized or certified under subch. I of ch. 111, the
12 authority may establish any of the following:

13 **SECTION 3023n.** 233.10 (3) of the statutes is repealed.

14 **SECTION 3023o.** 233.10 (3m) of the statutes is repealed.

15 **SECTION 3023p.** 233.10 (3r) of the statutes is repealed.

16 **SECTION 3023q.** 233.10 (3t) of the statutes is repealed.

17 **SECTION 3023r.** 233.10 (4) of the statutes is repealed.

18 **SECTION 3023s.** 233.20 (3m) of the statutes is created to read:

19 233.20 **(3m)** The authority may not issue bonds or incur indebtedness
20 described under s. 233.03 (12) unless one of the following applies:

21 (a) The bonds or indebtedness are a refinancing of existing bonds or
22 indebtedness.

23 (b) If the authority has a bond rating from Moody's Investor Service, Inc., of
24 better than A, or from Standard & Poor's Corporation of better than A, or equivalent
25 ratings from those or comparable rating agencies when such rating systems or rating

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1 agencies no longer exist, the authority has provided notice to the joint committee on
2 finance of the bond rating of the authority, the amount of the proposed bonds or
3 indebtedness, and the proposed use of the proceeds, and the joint committee on
4 finance has not notified the authority within 30 working days after receipt of the
5 notice that the joint committee on finance has scheduled a meeting to review the
6 proposed bonds or indebtedness.

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7 (c) The joint committee on finance votes to approve the amount of the bonds or
8 indebtedness.

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9 **SECTION 3023t.** 233.27 of the statutes is repealed.

10 **SECTION 3023u.** 233.42 of the statutes is repealed.

11 **SECTION 3024.** 234.01 (4n) (a) 3m. e. of the statutes is amended to read:

12 234.01 (4n) (a) 3m. e. The facility is located in a targeted area, as determined
13 by the authority after considering the factors set out in s. 560.605 (2m) (a) to (h)
14 560.605 (2m) (c), 2005 stats., s. 560.605 (2m) (d), 2005 stats., s. 560.605 (2m) (e), 2005
15 stats., and s. 560.605 (2m) (a), (b), and (f) to (h).

16 **SECTION 3025.** 234.165 (2) (c) (intro.) of the statutes, as affected by 2005
17 Wisconsin Act 25, is amended to read:

18 234.165 (2) (c) (intro.) Surplus Except as provided in sub. (3), surplus may be
19 expended or encumbered only in accordance with the plan approved under par. (b),
20 except that the authority may transfer from one plan category to another:

21 **SECTION 3026.** 234.165 (2) (c) (intro.) of the statutes, as affected by 2007
22 Wisconsin Act ... (this act), is amended to read:

23 234.165 (2) (c) (intro.) ~~Except as provided in sub. (3), surplus~~ Surplus may be
24 expended or encumbered only in accordance with the plan approved under par. (b),
25 except that the authority may transfer from one plan category to another:

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3291/P1insMK
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INSERT 1095-2:

and the secretary of the department of administration

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and the secretary of the department of administration has not notified the authority within 30 working days after receipt of the notice that the secretary will conduct further review of the proposed bonds or indebtedness

INSERT 1095-8:

and the secretary of the department of administration, or his or her designee, has issued written approval of the bonds or indebtedness

1 **SECTION 3027g.** 234.165 (3) (a) of the statutes is created to read:

2 234.165 (3) (a) For the purpose of housing grants and loans under s. 560.9803
3 and housing grants under s. 560.9805, in fiscal year 2007-08 the authority shall
4 transfer to the department of commerce \$2,025,000 of its actual surplus under this
5 section and in fiscal year 2008-09 the authority shall transfer to the department of
6 commerce \$2,000,000 of its actual surplus under this section.

7 **SECTION 3028d.** 234.165 (3) (a) of the statutes, as affected by 2007 Wisconsin
8 Act (this act), is repealed.

9 **SECTION 3028e.** 234.165 (3) (b) of the statutes is created to read:

10 234.165 (3) (b) For the purpose of transitional housing grants under s. 560.9806
11 and for grants to agencies and shelter facilities for homeless individuals and
12 families as provided under s. 560.9808, in fiscal year 2007-08 the authority shall
13 transfer to the department of commerce \$1,000,000 of its actual surplus under this
14 section, and in fiscal year 2008-09 the authority shall transfer to the department of
15 commerce \$1,000,000 of its actual surplus under this section.

16 **SECTION 3028f.** 234.165 (3) (b) of the statutes, as affected by 2007 Wisconsin
17 Act (this act), is repealed.

18 **SECTION 3029.** 236.335 of the statutes is amended to read:

19 **236.335 Prohibited subdividing; forfeit.** No lot or parcel in a recorded plat
20 may be divided, or used if so divided, for purposes of sale or building development if
21 the resulting lots or parcels do not conform to this chapter, to any applicable
22 ordinance of the approving authority or to the rules of the department of workforce
23 development commerce under s. 236.13. Any person making or causing such a
24 division to be made shall forfeit not less than \$100 nor more than \$500 to the

1 approving authority, or to the state if there is a violation of this chapter or the rules
2 of the department of ~~workforce development~~ commerce.

3 **SECTION 3031.** 250.041 (1m) of the statutes is amended to read:

4 250.041 (1m) If an individual who applies for or to renew a registration, license,
5 certification, approval, permit or certificate under sub. (1) does not have a social
6 security number, the individual, as a condition of obtaining the registration, license,
7 certification, approval, permit or certificate, shall submit a statement made or
8 subscribed under oath or affirmation to the department that the applicant does not
9 have a social security number. The form of the statement shall be prescribed by the
10 department of ~~workforce development~~ children and families. A registration, license,
11 certification, approval, permit or certificate issued or renewed in reliance upon a
12 false statement submitted under this subsection is invalid.

13 **SECTION 3032.** 250.041 (2) of the statutes is amended to read:

14 250.041 (2) The department of health and family services may not disclose any
15 information received under sub. (1) to any person except to the department of
16 ~~workforce development~~ children and families for the purpose of making
17 certifications required under s. 49.857.

18 **SECTION 3033.** 250.041 (3) of the statutes is amended to read:

19 250.041 (3) The department of health and family services shall deny an
20 application for the issuance or renewal of a registration, license, certification,
21 approval, permit or certificate specified in sub. (1) or may, under a memorandum of
22 understanding under s. 49.857 (2), suspend or restrict a registration, license,
23 certification, approval, permit or certificate specified in sub. (1) if the department of
24 ~~workforce development~~ children and families certifies under s. 49.857 that the
25 applicant for or holder of the registration, license, certification, approval, permit or

1 certificate is delinquent in the payment of court-ordered payments of child or family
2 support, maintenance, birth expenses, medical expenses or other expenses related
3 to the support of a child or former spouse or fails to comply, after appropriate notice,
4 with a subpoena or warrant issued by the department of ~~workforce development~~
5 children and families or a county child support agency under s. 59.53 (5) and related
6 to paternity or child support proceedings.

7 **SECTION 3033r.** 250.15 (2) (c) of the statutes is amended to read:

8 250.15 (2) (c) From the appropriation under s. 20.435 (5) (fh), the department
9 shall award ~~\$25,000~~ \$50,000 in each fiscal year as a grant to HealthNet of Janesville,
10 Inc.

11 **SECTION 3035r.** 252.12 (2) (a) 8. of the statutes is renumbered 252.12 (2) (a) 8.
12 (intro.) and amended to read:

13 252.12 (2) (a) 8. 'Mike Johnson life care and early intervention services grants.'
14 (intro.) The department shall award not more than ~~\$2,569,900~~ \$2,969,900 in fiscal
15 year ~~2005-06~~ 2007-08 and not more than \$3,569,900 in fiscal year ~~2008-09~~ and each
16 fiscal year thereafter in grants to applying organizations for the provision of needs
17 assessments; assistance in procuring financial, medical, legal, social and pastoral
18 services; counseling and therapy; homecare services and supplies; advocacy; and
19 case management services. These services shall include early intervention services.
20 The department shall also award not more than \$74,000 in each year from the
21 appropriation under s. 20.435 (7) (md) for the services under this subdivision. The
22 state share of payment for case management services that are provided under s.
23 49.45 (25) (be) to recipients of medical assistance shall be paid from the
24 appropriation under s. 20.435 (5) (am). All of the following apply to grants awarded
25 under this subdivision:

1 **SECTION 3035s.** 252.12 (2) (a) 8. a. to c. of the statutes are created to read:

2 252.12 (2) (a) 8. a. None of the funds awarded may be used to fund AIDS
3 programs, or to develop materials, designed to promote or encourage, directly,
4 intravenous drug use or sexual activity, whether homosexual or heterosexual.

5 b. None of the funds awarded may be used for political purposes.

6 c. Funds awarded shall be used to provide medical care and support services
7 for individuals with HIV.

8 **SECTION 3036.** 252.12 (2) (c) 1. (intro.) of the statutes is amended to read:

9 252.12 (2) (c) 1. (intro.) From the appropriation under s. 20.435 (3) (5) (md), the
10 department shall award to applying nonprofit corporations or public agencies up to
11 \$75,000 in each fiscal year, on a competitive basis, as grants for services to prevent
12 HIV. Criteria for award of the grants shall include all of the following:

13 **SECTION 3036m.** 252.14 (1) (d) of the statutes is amended to read:

14 252.14 (1) (d) "Inpatient health care facility" means a hospital, nursing home,
15 community-based residential facility, county home, county mental health complex
16 or other place licensed or approved by the department under s. 49.70, 49.71, 49.72,
17 50.02, 50.03, 50.35, 51.08 or 51.09 or a facility under s. 45.50, 48.62, 51.05, 51.06,
18 233.40, 233.41, 233.42 or 252.10.

19 **SECTION 3037.** 252.16 (1) (d) of the statutes is amended to read:

20 252.16 (1) (d) "~~Medicare~~" ~~has the meaning given in s. 49.498 (1) (f) means~~
21 coverage under part A, part B, or part D of Title XVIII of the federal Social Security
22 Act, 42 USC 1395 to 1395hhh.

23 **SECTION 3038.** 252.16 (4) (a) of the statutes is amended to read:

24 252.16 (4) (a) Except as provided in pars. (b) and (d), if an individual satisfies
25 sub. (3), the department shall pay the full amount of each premium payment for the

1 individual's health insurance coverage under the group health plan or individual
2 health policy under sub. (3) (dm), on or after the date on which the individual
3 becomes eligible for a subsidy under sub. (3). Except as provided in pars. (b) and (d),
4 the department shall pay the full amount of each premium payment regardless of
5 whether the individual's health insurance coverage under sub. (3) (dm) includes
6 coverage of the individual's dependents. Except as provided in par. (b), the
7 department shall terminate the payments under this section when the individual's
8 health insurance coverage ceases or when the individual no longer satisfies sub. (3),
9 whichever occurs first. The department may not make payments under this section
10 for premiums for medicare, except for premiums for coverage for part D of Title XVIII
11 of the federal Social Security Act, 42 USC 1395 to 1395hhh.

12 **SECTION 3039.** 252.241 (1m) of the statutes is amended to read:

13 252.241 (1m) If an individual who applies for or to renew a license under sub.
14 (1) does not have a social security number, the individual, as a condition of obtaining
15 the license, shall submit a statement made or subscribed under oath or affirmation
16 to the department that the applicant does not have a social security number. The
17 form of the statement shall be prescribed by the department of ~~workforce~~
18 development children and families. A license issued or renewed in reliance upon a
19 false statement submitted under this subsection is invalid.

20 **SECTION 3039r.** 253.02 (4) of the statutes is created to read:

21 253.02 (4) The department shall collaborate with community-based
22 organizations that serve children, adolescents, and their families to promote health
23 and wellness, and to reduce childhood and adolescent obesity.

24 **SECTION 3040.** 253.06 (title) of the statutes is renumbered 49.17 (title).

25 **SECTION 3041.** 253.06 (1) of the statutes is renumbered 49.17 (1).

1 **SECTION 3042.** 253.06 (2) of the statutes is renumbered 49.17 (2) and amended
2 to read:

3 49.17 (2) USE OF FUNDS. From the appropriation under s. ~~20.435 (5)~~ 20.437 (2)
4 (em), the department shall supplement the provision of supplemental foods,
5 nutrition education, and other services, including nutritional counseling, to
6 low-income women, infants, and children who meet the eligibility criteria under the
7 federal special supplemental food program for women, infants, and children
8 authorized under 42 USC 1786. To the extent that funds are available under this
9 section and to the extent that funds are available under 42 USC 1786, the
10 department shall provide the supplemental food, nutrition education, and other
11 services authorized under this section and shall administer that provision in every
12 county. The department may enter into contracts for this purpose.

13 **SECTION 3043.** 253.06 (3) of the statutes is renumbered 49.17 (3).

14 **SECTION 3044.** 253.06 (3m) of the statutes is renumbered 49.17 (3m).

15 **SECTION 3045.** 253.06 (4) of the statutes is renumbered 49.17 (4).

16 **SECTION 3046.** 253.06 (5) (title) of the statutes is renumbered 49.17 (5) (title).

17 **SECTION 3047.** 253.06 (5) (a) of the statutes is renumbered 49.17 (5) (a).

18 **SECTION 3048.** 253.06 (5) (b) of the statutes is renumbered 49.17 (5) (b).

19 **SECTION 3049.** 253.06 (5) (c) of the statutes is renumbered 49.17 (5) (c).

20 **SECTION 3050.** 253.06 (5) (d) of the statutes is renumbered 49.17 (5) (d).

21 **SECTION 3051.** 253.06 (5) (e) of the statutes is renumbered 49.17 (5) (e) and
22 amended to read:

23 49.17 (5) (e) The suspension or termination of authorization of a vendor or
24 eligibility of a participant shall be effective beginning on the 15th day after receipt
25 of the notice of suspension or termination. All forfeitures, recoupments, and

1 enforcement assessments shall be paid to the department within 15 days after
2 receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement
3 assessment is contested under sub. (6), within 10 days after receipt of the final
4 decision after exhaustion of administrative review, unless the final decision is
5 adverse to the department or unless the final decision is appealed and the decision
6 is stayed by court order under sub. (7). The department shall remit all forfeitures
7 paid to the secretary of administration for deposit in the school fund. The
8 department shall deposit all enforcement assessments in the appropriation under s.
9 ~~20.435 (1)~~ 20.437 (2) (gr).

10 **SECTION 3052.** 253.06 (5) (f) of the statutes is renumbered 49.17 (5) (f).

11 **SECTION 3053.** 253.06 (6) of the statutes is renumbered 49.17 (6).

12 **SECTION 3054.** 253.06 (7) of the statutes is renumbered 49.17 (7).

13 **SECTION 3055.** 253.06 (8) of the statutes is renumbered 49.17 (8).

14 **SECTION 3056.** 253.10 (3) (d) 1. of the statutes is amended to read:

15 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
16 a woman about public and private agencies, including adoption agencies, and
17 services that are available to provide information on family planning, as defined in
18 s. 253.07 (1) (a), including natural family planning information, to provide
19 ultrasound imaging services, to assist her if she has received a diagnosis that her
20 unborn child has a disability or if her pregnancy is the result of sexual assault or
21 incest and to assist her through pregnancy, upon childbirth and while the child is
22 dependent. The materials shall include a comprehensive list of the agencies
23 available, a description of the services that they offer and a description of the manner
24 in which they may be contacted, including telephone numbers and addresses, or, at
25 the option of the department, the materials shall include a toll-free, 24-hour

1 telephone number that may be called to obtain an oral listing of available agencies
2 and services in the locality of the caller and a description of the services that the
3 agencies offer and the manner in which they may be contacted. The materials shall
4 provide information on the availability of governmentally funded programs that
5 serve pregnant women and children. Services identified for the woman shall include
6 medical assistance for pregnant women and children under s. 49.47 (4) (am) and
7 49.471, the availability of family or medical leave under s. 103.10, the Wisconsin
8 works program under ss. 49.141 to 49.161, child care services, child support laws and
9 programs and the credit for expenses for household and dependent care and services
10 necessary for gainful employment under section 21 of the internal revenue code. The
11 materials shall state that it is unlawful to perform an abortion for which consent has
12 been coerced, that any physician who performs or induces an abortion without
13 obtaining the woman's voluntary and informed consent is liable to her for damages
14 in a civil action and is subject to a civil penalty, that the father of a child is liable for
15 assistance in the support of the child, even in instances in which the father has
16 offered to pay for an abortion, and that adoptive parents may pay the costs of
17 prenatal care, childbirth and neonatal care. The materials shall include
18 information, for a woman whose pregnancy is the result of sexual assault or incest,
19 on legal protections available to the woman and her child if she wishes to oppose
20 establishment of paternity or to terminate the father's parental rights. The
21 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
22 tone services are obtainable by pregnant women who wish to use them and shall
23 describe the services.

24 **SECTION 3059.** 253.15 (2) of the statutes is amended to read:

1 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or
2 arrange with a nonprofit organization to prepare printed and audiovisual materials
3 relating to shaken baby syndrome and impacted babies. The materials shall include
4 information regarding the identification and prevention of shaken baby syndrome
5 and impacted babies, the grave effects of shaking or throwing on an infant or young
6 child, appropriate ways to manage crying, fussing, or other causes that can lead a
7 person to shake or throw an infant or young child, and a discussion of ways to reduce
8 the risks that can lead a person to shake or throw an infant or young child. The
9 materials shall be prepared in English, Spanish, and other languages spoken by a
10 significant number of state residents, as determined by the board. The board shall
11 make those written and audiovisual materials available to all hospitals, maternity
12 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
13 make available materials to parents under sub. (3) (a) 1., to the department and to
14 all county departments and nonprofit organizations that are required to provide the
15 materials to day care providers under sub. (4), and to all school boards and nonprofit
16 organizations that are permitted to provide the materials to pupils in one of grades
17 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those
18 written materials available to all county departments and Indian tribes that are
19 providing home visitation services under s. ~~46.515~~ 48.983 (4) (b) 1. or 2. and to all
20 providers of prenatal, postpartum, and young child care coordination services under
21 s. 49.45 (44). The board may make available the materials required under this
22 subsection to be made available by making those materials available at no charge on
23 the board's Internet site.

24 **SECTION 3061.** 253.15 (6) of the statutes is amended to read:

1 253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES
2 RECIPIENTS. A county department or Indian tribe that is providing home visitation
3 services under s. ~~46.515~~ 48.983 (4) (b) 1. or 2. and a provider of prenatal, postpartum,
4 and young child care coordination services under s. 49.45 (44) shall provide to a
5 recipient of those services, without cost, a copy of the written materials purchased
6 or prepared under sub. (2) and an oral explanation of those materials.

7 **SECTION 3063.** 253.15 (7) (e) of the statutes is amended to read:

8 253.15 (7) (e) A county department or Indian tribe that is providing home
9 visitation services under s. ~~46.515~~ 48.983 (4) (b) 1. or 2. and a provider of prenatal,
10 postpartum, and young child care coordination services under s. 49.45 (44) is
11 immune from liability for any damages resulting from any good faith act or omission
12 in providing or failing to provide the written materials and oral explanation specified
13 in sub. (6).

14 **SECTION 3065.** 253.15 (8) of the statutes is amended to read:

15 253.15 (8) IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of
16 health and family services shall identify all infants and young children who have
17 shaken baby syndrome or who are impacted babies and all infants and young
18 children who have died as a result of being shaken or thrown by using the statewide
19 automated child welfare information system established under s. ~~46.03 (7) (g)~~ s.
20 ~~46.03 (7g)~~ 48.47 (7g) and child fatality information compiled by the department of
21 justice. For each infant or young child so identified, the department of health and
22 family services shall document the age, sex, and other characteristics of the infant
23 or young child that are relevant to the prevention of shaken baby syndrome and
24 impacted babies and, if known, the age, sex, employment status, and residence of the
25 person who shook or threw the infant or young child, the relationship of that person

1 to the infant or young child, and any other characteristics of that person that are
2 relevant to the prevention of shaken baby syndrome and impacted babies.

3 **SECTION 3066.** 254.115 (1m) of the statutes is amended to read:

4 254.115 (1m) If an individual who applies for or to renew a certification,
5 certification card or permit under sub. (1) does not have a social security number, the
6 individual, as a condition of obtaining the certification, certification card or permit,
7 shall submit a statement made or subscribed under oath or affirmation to the
8 department that the applicant does not have a social security number. The form of
9 the statement shall be prescribed by the department of ~~workforce development~~
10 children and families. A certification, certification card or permit issued or renewed
11 in reliance upon a false statement submitted under this subsection is invalid.

12 **SECTION 3067.** 255.06 (4) of the statutes is created to read:

13 255.06 (4) INFORMATION ABOUT WOMEN WHO RECEIVE SERVICES. The department
14 shall obtain and share information about women who receive services that are
15 reimbursed under this section as provided in s. 49.475.

16 **SECTION 3070p.** Chapter 279 of the statutes is created to read:

17 **CHAPTER 279**

18 **LOWER FOX RIVER**

19 **REMEDIATION AUTHORITY**

20 **279.01 Definitions.** In this chapter:

21 (1) "Affected property" means real property in this state that is owned by a
22 person who, with respect to the property, is responsible for waterway improvement
23 costs due to discharges from the property into the Fox River extending from Lake
24 Winnebago to the mouth of the river in Lake Michigan and any portion of Green Bay
25 in Lake Michigan containing sediments affected by discharges into the Fox River.

1 (2) "Authority" means the Lower Fox River Remediation Authority.

2 (3) "Board" means the board of directors of the authority.

3 (4) "Bond" means, except in s. 279.19 (1) (a), a bond, note, or other obligation
4 of the authority issued under this chapter, including a refunding bond.

5 (5) "Bond resolution" means a resolution of the board authorizing the issuance
6 of, or providing terms and conditions related to, bonds and includes, when
7 appropriate, any trust agreement or trust indenture providing terms and conditions
8 for the bonds.

9 (6) "Consenting landowner" means a person who owns affected property, or a
10 parent or subsidiary of such a person, who requests the authority to issue bonds for
11 waterway improvement costs, and who consents to the levy of an assessment on the
12 affected property.

13 (7) "Waterway improvement" means any of the following actions, taken under
14 an administrative or judicial order or decree or an administratively or judicially
15 approved agreement, related to discharges into the Fox River:

16 (a) Determining whether a discharge occurred, whether the discharge poses a
17 significant threat to human health and the environment, or whether additional
18 remedial actions may be required with respect to a discharge.

19 (b) Conducting a feasibility study.

20 (c) Planning for remedial action or removal.

21 (d) Conducting remedial action or removal.

22 (8) "Waterway improvement costs" means the costs of waterway improvements
23 and any of the following:

24 (a) The reasonable costs of financing provided by the authority and associated
25 administrative costs incurred by the authority.

1 (b) The fees and charges imposed by the authority or by others in connection
2 with the financing.

3 (c) A reserve for payment of the principal and interest on bonds issued by the
4 authority.

5 **279.02 Creation and organization.** (1) There is created a public body politic
6 and corporate to be known as the "Lower Fox River Remediation Authority." The
7 board shall consist of 7 members nominated by the governor, and with the advice and
8 consent of the senate appointed, for 7-year terms. Members of the board shall be
9 residents of the state, and not more than 4 of the members may be members of the
10 same political party. The terms of the members expire on June 30. Each member's
11 appointment remains in effect until a successor is appointed. Annually, the governor
12 shall appoint one member as chairperson and the board shall elect one member as
13 vice chairperson.

14 (2) The board shall appoint an executive director and may appoint an associate
15 executive director who may not be members of the board and who shall serve at the
16 pleasure of the board. The board shall determine the compensation of the executive
17 director and any associate executive director, except that the compensation of the
18 executive director may not exceed the maximum of the salary range established
19 under s. 20.923 (1) for positions assigned to executive salary group 4 and the
20 compensation of each other employee of the authority may not exceed the maximum
21 of the salary range established under s. 20.923 (1) for positions assigned to executive
22 salary group 3. The executive director, associate executive director, or other person
23 designated by resolution of the board shall keep a record of the proceedings of the
24 authority and shall be custodian of all books, documents, and papers filed with the
25 authority, the minute book or journal of the authority, and its official seal. The

1 executive director, associate executive director, or other person may cause copies to
2 be made of all minutes and other records and documents of the authority and may
3 give certificates under the official seal of the authority to the effect that the copies
4 are true copies, and all persons dealing with the authority may rely upon the
5 certificates.

6 (3) Four members of the board constitute a quorum. The affirmative vote of
7 a majority of all of the members of the board is necessary for any action taken by the
8 authority. A vacancy in the membership of the board does not impair the right of a
9 quorum to exercise all of the rights and perform all of the duties of the authority.
10 Each meeting of the board shall be open to the public. Notice of meetings, or waivers
11 thereof, shall be as provided in the bylaws of the authority. Resolutions of the
12 authority need not be published or posted. The board may delegate by resolution to
13 one or more of its members or the executive director the powers and duties that it
14 considers proper.

15 (4) The members of the board shall receive no compensation for the
16 performance of their duties as members, but each member shall be reimbursed for
17 the member's actual and necessary expenses while engaged in the performance of the
18 member's duties.

19 (5) (a) It is not a conflict of interest or violation of this chapter for a trustee,
20 director, officer, or employee of a consenting landowner to serve as a member of the
21 board if the trustee, director, officer, or employee of the consenting landowner
22 abstains from discussion, deliberation, action, and vote by the board in specific
23 respect to any undertaking under this chapter in which the consenting landowner
24 has an interest.

1 (b) It is not a conflict of interest or violation of this chapter for a person having
2 the required favorable reputation for skill, knowledge, and experience in state and
3 municipal finance to serve as a member of the board if the person having the required
4 favorable reputation for skill, knowledge, and experience in state and municipal
5 finance abstains from discussion, deliberation, action, and vote by the board in
6 specific respect to any sale, purchase, or ownership of bonds of the authority in which
7 any business of which the person is a participant, owner, officer, or employee has a
8 past, current, or future interest.

9 (c) It is not a conflict of interest or violation of this chapter for a person having
10 the required favorable reputation for skill, knowledge, and experience in the field of
11 environmental remediation to serve as a member of the board if the person having
12 the required favorable reputation for skill, knowledge, and experience in the field of
13 environmental remediation abstains from discussion, deliberation, action, and vote
14 by the board in specific respect to a waterway improvement in which any business
15 of which the person is a participant, owner, officer, or employee has a past, current,
16 or future interest.

17 (6) Chapter 230 does not apply to the employees of the authority, except that
18 s. 230.40 does apply to the employees of the authority.

19 **279.03 Powers of authority.** The authority has all of the powers necessary
20 or convenient to carry out the purposes and provisions of this chapter. In addition,
21 the authority may do any of the following:

22 (1) Adopt bylaws, policies, and procedures for the regulation of its affairs and
23 the conduct of its business.

24 (2) Adopt an official seal and alter the seal at pleasure.

25 (3) Maintain an office.

1 (4) Sue and be sued in its own name, plead and be impleaded.

2 (5) Enter into any contracts that are necessary or useful for the conduct of its
3 business.

4 (6) Employ or contract with attorneys, accountants, and financial experts and
5 any other necessary employees or agents, and fix the compensation of employees,
6 subject to 279.02 (2).

7 (7) Appoint any technical or professional advisory committee that the
8 authority finds necessary, define the duties of any committee, and provide
9 reimbursement for the expenses of any committee.

10 (8) Accept contributions or grants in money, property, labor, or other things of
11 value and comply with any restrictions on the use of the contributions or grants.

12 (9) Obtain or aid in obtaining, from any department or agency of the United
13 States or of this state or from any private company, any insurance or guaranty
14 concerning the payment or repayment of all or part of the interest or principal, or
15 both, on any bond issued under this chapter; and enter into any agreement, contract,
16 or other instrument with respect to that insurance or guaranty, accept payment in
17 the manner and form provided in such an agreement in case of default in payment
18 of the bonds, and assign the insurance or guaranty as security for the authority's
19 bonds.

20 **279.04 Expenses.** (1) All expenses of the authority are payable solely from
21 funds obtained under the authority of this chapter, and no liability may be incurred
22 by the authority beyond the extent to which moneys are obtained under this chapter.
23 For the purposes of meeting the necessary expenses of initial organization and
24 operation of the authority until the authority derives moneys from funds provided

1 to it under the authority of this chapter, other than this section, the authority may
2 use the funds appropriated under s. 20.375 (1) (a).

3 (2) The authority shall apportion among and assess to consenting landowners,
4 in an equitable manner, an amount equal to the amount expended from the
5 appropriation under s. 20.375 (1) (a) and pay that amount to the department of
6 administration for deposit in the general fund.

7 **279.05 Application for bond issuance.** (1) One or more owners of affected
8 property may submit an application requesting the authority to issue bonds to
9 finance all or a portion of the waterway improvement costs associated with the
10 affected property. An application under this subsection shall include all of the
11 following:

12 (a) A copy of an administrative or judicial order or decree or an administratively
13 or judicially approved agreement that imposes financial responsibility for a
14 waterway improvement on the applicant or applicants.

15 (b) An acknowledgement by the applicant or applicants that the waterway
16 improvement will confer a benefit on the affected property.

17 (c) The consent of the applicant or applicants to the levy of an assessment by
18 the authority on the affected property at the times and in the amounts that the
19 authority determines.

20 (d) A waiver by the applicant or applicants of any requirement for notice and
21 hearing and of any right to oppose the levy of the assessment.

22 (2) A consenting land owner who submits an application under sub. (1) may
23 recommend to the authority an underwriter for the bonds that the owner of affected
24 property requests the authority to issue.

1 **279.06 Approval of application and issuance of bonds.** (1) The board
2 may approve an application under s. 279.05 (1) if the application complies with s.
3 279.05 (1) and if the authority makes a determination that the waterway
4 improvement will last for many years and will result in long-term benefits to this
5 state. The authority may issue bonds as provided in this section and s. 279.07 to
6 finance all or a portion of the waterway improvement to which an approved
7 application relates.

8 (2) The authority shall notify the department of natural resources of its action
9 on an application under s. 279.05 (1) at the same time that it notifies the applicant
10 or applicants.

11 (3) All of the authority's bonds are negotiable for all purposes, notwithstanding
12 their payment from a limited source.

13 (4) The authority shall use the building commission as its financial consultant
14 to assist in and coordinate the issuance of bonds under this chapter.

15 (5) The bonds of each issue shall be payable solely out of a special fund into
16 which the authority deposits the assessments imposed by the authority against the
17 affected property with respect to which the bonds are issued.

18 (6) The authority may not issue bonds unless the issuance is authorized by a
19 bond resolution. The bonds shall bear the dates; mature at the times not exceeding
20 30 years from their dates of issue; bear interest at the rates, fixed or variable; be
21 payable at the times; be in the denominations; be in fully registered form; carry the
22 registration and conversion privileges; be executed in the manner; be payable in
23 money of the United States at the places; and be subject to the terms of redemption
24 that the bond resolution provides. The bonds shall be executed by the manual or
25 facsimile signatures of the officers of the authority designated by the board. The

1 bonds may be sold at public or private sale at the price, in the manner, and at the time
2 determined by the board. The bonds may be issued as serial bonds payable in annual
3 installments, as term bonds, or as a combination of both types.

4 (7) Any bond resolution may contain provisions, that shall be a part of the
5 contract with the holders of the bonds, regarding any of the following:

6 (a) Setting aside reserves or sinking funds, and the regulation, investment, and
7 disposition of the reserves or sinking funds.

8 (b) Limitations on the purpose to which, or the investments in which, the
9 proceeds of the sale of any issue of bonds may be applied.

10 (c) Refunding of outstanding bonds.

11 (d) Procedures by which the terms of any contract with bondholders may be
12 amended or abrogated, the amount of bonds the holders of which must consent to the
13 amendment or abrogation, and the manner in which this consent may be given.

14 (e) Defining the acts or omissions to act that constitute a default in the duties
15 of the authority to the bondholders, and providing the rights and remedies of the
16 bondholders in the event of a default.

17 (f) Any other matter relating to the bonds that the board considers desirable.

18 (8) Neither the members of the board nor any person executing the bonds of
19 the authority is liable personally on the bonds or subject to any personal liability or
20 accountability by reason of the issuance of the bonds.

21 (9) (a) The authority shall pay the net proceeds of bonds issued under this
22 section to the entity to which moneys for waterway improvements are required to be
23 paid by the administrative or judicial order or decree or administratively or judicially
24 approved agreement described in s. 279.05 (1) (a).

1 (b) An entity that receives moneys under par. (a) may use those moneys only
2 for the waterway improvement costs for which the bonds are issued. If the actual
3 waterway improvement costs to be paid from the authority's bonds are less than the
4 assessments levied by the authority, the entity shall return the excess to the
5 authority.

6 **279.07 Assessments. (1)** Before it issues bonds, the authority shall follow the
7 procedures in this section for levying an assessment on the affected property of any
8 consenting landowner whose application for issuance of the bonds is approved under
9 s. 279.06 (1). The consenting landowner shall pay the assessment to the authority.
10 An assessment under this section is a lien against the affected property. The
11 authority shall provide notice of the lien of assessment to the register of deeds of the
12 county in which the affected property is located for recording.

13 **(2)** The assessment levied with respect to a bond issue shall be sufficient to do
14 all of the following:

15 (a) Pay the share of the administrative costs of the authority that is allocated
16 to the bond issue.

17 (b) Pay the costs of any financial and legal services incurred by the authority
18 and any other item of direct or indirect cost that may reasonably be attributed to
19 processing the application under s. 279.05 (1), issuing the bonds, and imposing the
20 assessment on the affected property.

21 (c) Pay the principal of and the premium, if any, and interest on the bonds as
22 they become due and payable.

23 (d) Create and maintain any reserve that is required or provided for in the bond
24 resolution.

1 **(3)** If the authority assesses more than one consenting landowner in connection
2 with a bond issue, it shall determine the amount to be assessed on the affected
3 property of each consenting landowner in a manner that is consistent with the
4 administrative or judicial order or decree or administratively or judicially approved
5 agreement described in s. 279.05 (1) (a) and that considers such factors as present
6 and past capacity for discharges; estimates of actual discharges; the degree of
7 toxicity and water quality characteristics of past and present discharges;
8 involvement in the generation, treatment, transportation, storage, or disposal of
9 discharged substances; the degree of care exercised in reducing discharges; and the
10 amount of impervious surface on each affected property.

11 **(4)** Before finalizing its determination of the amount of the assessment to be
12 levied on affected property under this section, the board shall pass a preliminary
13 resolution declaring its intent with respect to the assessment. In the resolution, the
14 board shall include all of the following:

15 (a) A general description of the contemplated purpose of the assessment.

16 (b) A description of the affected property proposed to be assessed.

17 (c) The number of installments in which the assessments may be paid or a
18 statement that the number of payments will be determined at the hearing required
19 under sub. (8).

20 (d) A direction to an officer or employee of the authority to make a report on the
21 proposed assessment.

22 **(5)** The officer or employee directed to make a report under sub. (4) (d) shall
23 include all of the following in the report:

24 (a) A reference to the administrative or judicial order or decree or
25 administratively or judicially approved agreement described in s. 279.05 (1) (a).

1 (b) A schedule of the proposed assessments.

2 (c) An estimate, as to each affected property, of the assessment to be levied.

3 (6) The officer or employee making the report under sub. (5) shall file a copy
4 of the report with the authority for public inspection.

5 (7) After the report has been filed under sub. (6), the authority shall publish
6 a class 1 notice, under ch. 985, that describes all of the following:

7 (a) The affected property that is proposed to be assessed.

8 (b) The place and time at which the report may be inspected.

9 (c) The place and time at which all interested persons or their agents or
10 attorneys may appear before the authority and be heard concerning the matters
11 contained in the preliminary resolution and the report.

12 (8) The authority shall conduct a hearing concerning the levying of a proposed
13 assessment not less than 10 days and not more than 40 days after publishing the
14 notice under sub. (7).

15 (9) After the hearing under sub. (8), the board may approve, disapprove, or
16 modify the report under sub. (6) or it may refer the report to the designated officer
17 or employee of the authority with directions to change the proposal to accomplish a
18 fair and equitable assessment.

19 (10) After approving a report under sub. (9), the authority shall adopt a
20 resolution specifying the amount of the assessments, authorizing the issuance of
21 bonds, and directing that the net proceeds of the bonds be paid as provided in s.
22 279.06 (9) (a). The authority shall publish the resolution as a class 1 notice, under
23 ch. 985. After publication of the resolution, the authority shall levy the assessments
24 and issue the bonds.

1 (11) If the actual waterway improvement costs to be paid from a bond issue vary
2 materially from the estimates, if any assessment is invalid, or if the board decides
3 to reopen and reconsider any assessment, it may, after publishing a class 1 notice,
4 under ch. 985, that describes its proposed action and after a public hearing, adopt a
5 resolution amending, canceling, or confirming the prior assessment. If an
6 assessment is amended to provide for the refunding of bonds, all of the direct and
7 indirect costs reasonably attributable to the refunding of the bonds may be included
8 in the amended assessment. If moneys are returned to the authority under s. 279.06
9 (9) (b), the authority may pay a portion of the outstanding bonds and reduce each
10 assessment proportionately. The authority shall publish a class 1 notice, under ch.
11 985, describing the resolution amending, canceling, or confirming the prior
12 assessment.

13 (12) After the 90th day after the day on which a bond is issued under this
14 chapter, the bond is conclusive evidence of the legality of all proceedings up to and
15 including the issuance of the bond and is prima facie evidence of the proper
16 application of the proceeds of the bond.

17 **279.08 Bond security.** (1) The authority may enter into a trust agreement
18 or trust indenture between the authority and one or more corporate trustees for any
19 bonds issued under this chapter. Any trust company or bank having the powers of
20 a trust company may be a trustee.

21 (2) The bond resolution providing for the issuance of bonds shall pledge the
22 assessments to be received by the authority with respect to the bonds referred to in
23 the bond resolution. The pledge is valid and binding from the time that the resolution
24 is adopted. The revenues pledged are immediately subject to the lien of the pledge
25 without any physical delivery or any further act. The lien is valid and binding as

1 against all persons having claims in tort, contract, or otherwise against the
2 authority, irrespective of whether the persons have notice of the lien. Neither the
3 bond resolution nor any financing statement, continuation statement, or other
4 instrument by which a pledge is created or by which the authority's interest in
5 revenues is assigned need be filed or recorded in any public records in order to perfect
6 the lien of the pledge as against 3rd parties, except that the authority shall file a copy
7 of the instrument in the records of the authority and with the department of financial
8 institutions.

9 (3) A bond resolution may contain provisions for protecting and enforcing the
10 rights and remedies of the bondholders that are reasonable and proper and not in
11 violation of law. A bond resolution may restrict the individual right of action by
12 bondholders. A bond resolution may contain any other provisions that are
13 determined by the board to be reasonable and proper for the security of the
14 bondholders.

15 **279.09 Refunding bonds.** (1) The authority may issue bonds to refund any
16 outstanding bond, including the payment of any redemption premium on the
17 outstanding bond and any interest accrued or to accrue to the earliest or any
18 subsequent date of redemption, purchase, or maturity.

19 (2) The authority may apply the proceeds of any bond issued to refund any
20 outstanding bond to the purchase, retirement at maturity, or redemption of the
21 outstanding bond on the earliest or any subsequent redemption date, upon purchase,
22 or at the maturity of the bond. The authority may, pending application of the
23 proceeds, place the proceeds in escrow to be applied to the purchase, retirement at
24 maturity, or redemption of any outstanding bond at any time.

1 (3) If the authority determines that it is necessary to amend the prior
2 assessments in connection with the issuance of refunding bonds under this section,
3 it may reconsider and reopen the assessments as provided in s. 279.07 (11). If the
4 assessments are amended, the refunding bonds shall be secured by, and be payable
5 from, the assessments as amended. If the assessments are amended, all direct and
6 indirect costs reasonably attributable to the refunding of the bonds may be included
7 in the cost of the waterway improvements being financed.

8 (4) All refunding bonds are subject to this chapter in the same manner and to
9 the same extent as other bonds issued under this chapter.

10 **279.10 Bonds not public debt.** (1) The state is not liable on bonds of the
11 authority and the bonds are not debt of the state. Each bond of the authority shall
12 contain a statement to this effect on the face of the bond. The issuance of bonds under
13 this chapter does not, directly, indirectly, or contingently, obligate the state or any
14 political subdivision of the state to levy any tax or to make any appropriation for
15 payment of the bonds. The authority may not pledge its full faith and credit to the
16 payment of bonds issued under this chapter.

17 (2) Nothing in this chapter authorizes the authority to create a debt of the state,
18 and all bonds issued by the authority under this chapter are payable, and shall state
19 that they are payable, solely from the special fund containing the assessments and
20 other moneys pledged for their payment in accordance with the bond resolution
21 authorizing their issuance or in any trust agreement or trust indenture entered into
22 to provide terms and conditions for the bonds. The state is not liable for the payment
23 of the principal of or interest on any bonds of the authority or for the performance
24 of any pledge, obligation, or agreement that is undertaken by the authority. The
25 breach of any pledge, obligation, or agreement undertaken by the authority does not

1 impose any pecuniary liability upon the state or any charge upon its general credit
2 or against its taxing power.

3 **279.11 State pledge.** The state pledges to and agrees with the holders of bonds
4 issued under this chapter, and with persons that enter into contracts with the
5 authority under this chapter, that the state will not limit or alter the rights vested
6 in the authority before the authority has fully met and discharged the bonds,
7 including any interest due on the bonds, and has fully performed its contracts, unless
8 adequate provision is made by law for the protection of the bondholders or persons
9 entering into contracts with the authority.

10 **279.17 Trust funds.** All moneys received by the authority, whether as
11 proceeds from the sale of bonds or as assessments or fees, shall be considered to be
12 trust funds to be held and applied solely as provided in this chapter. Any officer with
13 whom, or any bank or trust company with which, those moneys are deposited shall
14 act as trustee of the moneys and shall hold and apply the moneys for the purposes
15 of this chapter, subject to any regulations that this chapter and the bond resolution
16 authorizing the bonds of any issue provide.

17 **279.18 Rights of bondholders.** Any holder of bonds issued under this
18 chapter or trustee under a trust agreement, trust indenture, or deed of trust entered
19 into under this chapter may, by any suitable form of legal proceedings, protect and
20 enforce any rights under the laws of this state or granted by the bond resolution,
21 except to the extent that the rights of the bondholder or trustee are restricted by the
22 bond resolution. These rights include the right to compel the performance of all
23 duties of the authority required by this chapter or the bond resolution; to enjoin
24 unlawful activities; and in the event of default with respect to the payment of any
25 principal of and the premium, if any, and interest on any bond or in the performance

1 of any covenant or agreement on the part of the authority in the bond resolution, to
2 apply to a court to appoint a receiver with full power to pay, and to provide for
3 payment of, principal of and premium, if any, and interest on the bonds, and with the
4 powers, subject to the direction of the court, as are permitted by law and are accorded
5 receivers, excluding any power to pledge additional revenues of the authority to the
6 payment of the principal, premium, and interest.

7 **279.19 Investment of funds.** (1) The authority may invest any funds in any
8 of the following:

9 (a) Bonds, notes, certificates of indebtedness, treasury bills, or other securities
10 constituting direct obligations of the United States or obligations the principal and
11 interest of which are guaranteed by the United States.

12 (b) Certificates of deposit or time deposits constituting direct obligations of any
13 bank that are insured by the federal deposit insurance corporation.

14 (c) Certificates of deposit constituting direct obligations of any credit union that
15 are insured by the national board, as defined in s. 186.01 (3m).

16 (d) Certificates of deposit constituting direct obligations of any savings and
17 loan association or savings bank that are insured by the federal deposit insurance
18 corporation.

19 (e) Short-term discount obligations of the federal national mortgage
20 association.

21 (f) Any of the investments provided under s. 66.0603 (1m) (a).

22 (2) Any securities described in sub. (1) may be purchased at the offering or
23 market price of the securities at the time of purchase.

24 **279.20 Investment authorization.** The bonds of the authority are securities
25 in which all public officers and bodies of this state; all political subdivisions and their

1 public officers; all banks, trust companies, savings banks and institutions, savings
2 and loan associations, and investment companies; and all personal representatives,
3 guardians, trustees, and other fiduciaries may legally invest any sinking funds,
4 moneys, or other funds belonging to them or within their control.

5 **279.21 Reports and records.** (1) The authority shall keep an accurate
6 account of all of its activities and of all of its receipts and expenditures, and shall
7 annually in January make a report of its activities, receipts, and expenditures to the
8 governor and to the chief clerk of each house of the legislature, for distribution to the
9 legislature under s. 13.172 (2). The reports shall be in a form approved by the state
10 auditor. The state auditor may investigate the affairs of the authority, may examine
11 the property and records of the authority, and may prescribe methods of accounting
12 and the rendering of periodical reports in relation to activities undertaken by the
13 authority.

14 (2) The authority, annually on January 15, shall file with the department of
15 administration and the joint legislative council a complete and current listing of all
16 forms, reports, and papers required by the authority to be completed by any person,
17 other than a governmental body, as a condition of obtaining the approval of the
18 authority or for any other reason. The authority shall attach a blank copy of each
19 such form, report, or paper to the listing.

20 **SECTION 3074.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

21 281.59 (3e) (b) 1. Equal to \$109,600,000 \$114,700,000 during the 2005-07
22 2007-09 biennium.

23 3. Equal to \$1,000 for any biennium after the 2005-07 2007-09 biennium.

24 **SECTION 3075.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

25 281.59 (3m) (b) 1. Equal to \$2,700,000 during the 2005-07 2007-09 biennium.

1 2. Equal to \$1,000 for any biennium after the ~~2005-07~~ 2007-09 biennium.

2 **SECTION 3076.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

3 281.59 (3s) (b) 1. Equal to ~~\$12,800,000~~ \$13,400,000 during the ~~2005-07~~
4 2007-09 biennium.

5 2. Equal to \$1,000 for any biennium after the ~~2005-07~~ 2007-09 biennium.

6 **SECTION 3077.** 281.59 (4) (b) of the statutes is amended to read:

7 281.59 (4) (b) The department of administration may, under s. 18.561 or 18.562,
8 deposit in a separate and distinct fund in the state treasury or in an account
9 maintained by a trustee outside the state treasury, any portion of the revenues
10 derived under s. 25.43 (1). The revenues deposited with a trustee outside the state
11 treasury are the trustee's revenues in accordance with the agreement between this
12 state and the trustee or in accordance with the resolution pledging the revenues to
13 the repayment of revenue obligations issued under this subsection and to make
14 payments under an agreement or ancillary arrangement entered into under s. 18.55
15 (6) with respect to revenue obligations issued under this subsection.

16 **SECTION 3078.** 281.59 (4) (f) of the statutes is amended to read:

17 281.59 (4) (f) Revenue obligations may be contracted by the building
18 commission when it reasonably appears to the building commission that all
19 obligations incurred under this subsection, and all payments under an agreement or
20 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue
21 obligations issued under this subsection, can be fully paid on a timely basis from
22 moneys received or anticipated to be received. Revenue obligations issued under this
23 subsection for the clean water fund program shall not exceed ~~\$1,615,955,000~~
24 \$1,984,100,000 in principal amount, excluding obligations issued to refund
25 outstanding revenue obligation notes.